

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
(Athens)

FILED  
U.S. DISTRICT COURT  
MIDDLE GEORGIA  
2020 OCT 21 AM 8:47  
  
DEPUTY CLERK

UNITED STATES OF AMERICA )  
Plaintiff )  
 ) Crim. No. 3:19-CR-00001  
V )  
 ) Hon. C Ashley Royal  
JOSHUA WOODEY )  
Defendant )  
\_\_\_\_\_

**DEFENDANTS MOTION FOR LEAVE OF THE COURT TO COMPEL  
COUNSEL TO TENDER DEFENDANTS CASE FILE**

COMES NOW, Joshua Woodey, Pro se, the Defendant in the above titled action and hereby respectfully requests leave of this Court to compel former counsel to tender the defendants criminal case file.

**STANDARD**

A defendant who is incarcerated and indigent may request copies of transcripts and materials pertaining to their case when available.

“Unless this Court requires the respondent to provide them with the documents herein sought they will be further deprived of equal protection and therefore due process of law in that

they shall be foreclosed habeas corpus relief by reason of their poverty and therefore inability to pay the costs of the same" Rush v United States, 559 F. 2d 455, (7<sup>th</sup> Cir 1977)

"an indigent federal prisoner, permitted to proceed in forma pauperis, who has not yet obtained a copy of their record in order to assist him in the preparation of post conviction remedies"....."may request such records in order to assist them". See, MacCollom v United States, 511 F. 2d 1116, 1124 (9<sup>th</sup> Cir 1975)

"It is now settled beyond a doubt that prisoners have a substantive constitutional right of access to the courts and that inmate access must be "adequate, effective, and meaningful" Bounds v Smith, 430 U.S. 817, 97 S. Ct. 1491, 52 L. Ed. 2d 72, 45 LW 4411.

## **DISCUSSION**

The defendant has obtained assistance from Nationwide Legal Assistance Group, (NLAG), a paralegal firm to file a post-conviction remedy based on the information it has obtained. In order to proceed properly the defendant is in need of his case file consisting of all documents related to his case including but not limited to any communication between his counsel and the government, notes, filings, etc.

The defendant sent a request to his former counsel making this request as well as signed a waiver asking that counsel provide this file to the paralegal who is assisting him.

At no time has counsel provided any documentation to the defendant and now counsel claims they have not received any form of request and it cannot be tendered.

Wherefore, the defendant respectfully prays for the relief within.

Respectfully submitted,

Josh Woodey  
Joshua Woodey, Pro se

Defendant

**CERTIFICATE OF SERVICE**

I Joshua Woodey, Pro se, the Defendant in the matter being submitted hereby declares that I have mailed a copy of the following petition:

**DEFENDANTS MOTION FOR LEAVE OF THE COURT TO COMPEL COUNSEL TO  
TENDER DEFENDANTS CASE FILE**

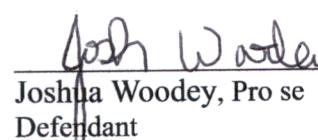
To the following parties:

Clerk of the Court  
US District Court  
PO BOX 1106  
Athens, GA 30601

The petition was mailed by way of the United States Postal Service, First Class, Postage Paid and was delivered to the Inmate Legal Mailbox on the 5th day of September 2020 by hand delivery.

I state this to be true under the terms of perjury. Signed this 5th day of September 2020.

Respectfully submitted,

  
\_\_\_\_\_  
Joshua Woodey, Pro se  
Defendant